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Atorneys for Defendants  
FREMONT POLICE DEPARTMENT, CITY OF FREMONT,  
JEFFERY LAWRENCE, TIMOTHY FERRARA and JOHN KENNEDY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MIRAMAR PEREZ, individually and as  
Guardian Ad Litem; ARACELI MOSSO;  
JOAN MOSSO; JOCELYN MOSSO, minor  
children.

## Plaintiffs

V.

FREMONT POLICE DEPARTMENT; CITY OF FREMONT; JEFFERY LAWRENCE; TIMOTHY FERRARA; JOHN KENNEDY; and DOES ONE through TWENTY, inclusive,

## Defendants

Case No. CV11-04198 EMC

**STIPULATION AND [PROPOSED] ORDER  
CONTINUING HEARING DATE FOR  
DEFENDANTS RULE 12(B) ( 6 ) MOTION TO  
DISMISS PLAINTIFF'S FIRST AMENDED  
COMPLAINT AND PLAINTIFFS' MOTION TO  
REMAND**

The Court, through its notice of September 26, 2011 [DKT #14] continued Defendants' Motion to Dismiss from October 7, 2011 to the date plaintiffs had set for their Motion to Remand, October 28, 2011. Gregory Fox, counsel for the defense, is scheduled for a plaintiff's deposition on this same date, October 28, 2011, in a State Superior Court action (*Anderson v City of Brentwood et al, Contra Costa County Superior Court No. MSC10-03672*) . The plaintiff in *Anderson* is incarcerated in the California Correctional Center located in Susanville, California. That matter involves several parties and it has been

1 difficult to agree upon a date on which all parties could attend the deposition in the state prison and with  
2 sufficient notice to allow Department of Corrections approval and coordination.

3 The parties therefore, acting by and through their respective legal counsel, herein stipulate for an  
4 Order continuing the hearing date for defendants' Motion to Dismiss Plaintiffs' First Amended Complaint  
5 and plaintiff's Motion to Remand from Friday, 1:30 p.m., October 28, 2011 to Friday, 1:30 p.m.  
6 November 4, 2011 The filing of the City's opposition brief to the Motion to Remand is continued to  
7 October 14, 2011; the filing of the reply brief supporting the Motion to Remand is continued to Friday,  
8 October 21, 2011.

9 So Stipulated:

10 Dated: September 27 , 2011 Law Offices of Edwin Bradley

12 By: \_\_\_\_\_ /s/  
13 Edwin Bradley, Attorney for Plaintiffs

15 Dated: September 27 , 2011 BERTRAND, FOX & ELLIOT

17 By: \_\_\_\_\_ /s/  
18 Gregory M. Fox  
19 Attorneys for Defendants  
20 FREMONT POLICE DEPARTMENT, CITY OF  
21 FREMONT, JEFFERY LAWRENCE, TIMOTHY  
22 FERRARA and JOHN KENNEDY

23 **ATTORNEY ATTESTATION**

24 I hereby attest that I have on file all holograph signatures for any signatures indicated by a  
25 "conformed" signature (/s/) within this E-filed document and/or have been authorized by Mr. Bradley to  
26 execute his signature by a "conformed" signature (/s/) within this E-Filed Document.

27 Dated: September 27, 2011 \_\_\_\_\_ /s/  
28 Gregory M. Fox

## ORDER

Good cause appearing, the stipulation is so ordered. The hearing dates for the Motion to Dismiss and Motion to Remand are continued to 1:30 pm on Friday, November 4, 2011.

Dated: 9/28, 2011

